

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

Brian Gerald Maddox,
Danetta Lashun Maddox,

CHAPTER 13
CASE NO. 20-43421-PJS
JUDGE PHILLIP J. SHEFFERLY

DEBTORS.
_____ /

**TRUSTEE’S OBJECTIONS TO CONFIRMATION OF
FIRST MODIFIED PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the First Modified Pre-Confirmation Chapter 13 Plan in the above matter pursuant to Local Bankruptcy Rule 3015-3(a) as follows:

1. The Plan does not increase its funding upon the termination of the Debtor’s child support obligation pursuant to 11 USC 1325(b)(1)(B) and 11 USC 1325(a)(3).
2. The Plan does not increase its funding upon the termination of the obligation of the Debtor’s and Debtor’s spouse’s 401(k) loans pursuant to 11 USC 1325(b)(1)(B) and 11 USC 1325(a)(3).
3. Based upon the Debtors’ testimony at the First Meeting of Creditors, the Debtor’s income listed on the Debtors’ Schedule I as “Drv Premium” in the amount of \$835.00 represents the Debtor’s productivity bonus that the Debtor receives every month. The Plan does not provide that 100% of profit sharing funds and/or bonuses in excess of \$10,000 per calendar year received or entitled to be received during the pendency of the case be remitted to the Trustee as additional payments under the Plan as required by 11 USC Section 1325(b)(1)(B) and *In re Freeman*, 86 F.3d 478 (6th Cir. 1996).

4. The Plan does not comply with 11 USC Section 1308(a). The State of Michigan – Department of the Treasury has filed a Proof of Claim indicating that Debtor has not filed a tax return for 2018.

5. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the Plan does not provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 USC 1322(a)(1).

6. Section II.B of the Plan specifies that the Plan payment is \$541.67 semi-monthly. Section IV states that the Plan payment is \$415.38 bi-weekly. Initially, the payment amount is not an “alteration” to the Plan and should not be specified in Section IV of the Plan. Further, the amount stated in Section IV conflict with the amount stated in Section II.B rendering it impossible to determine whether the Plan complies with 11 USC Section 1325.

7. The Plan does not attach a Certificate of Service. Accordingly, it cannot be determined whether all creditors and parties in interest have received proper notice as required by Federal Rules of Bankruptcy Procedure 2002 and 3015, or Local Bankruptcy Rule 3015-2.

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: December 11, 2020

By: /s/ Thomas D. DeCarlo
DAVID Wm. RUSKIN (P26803)
LISA K. MULLEN (P55478)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF FIRST MODIFIED PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on December 11, 2020, I electronically filed the Trustee's Objections to Confirmation of First Modified Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

KALLABAT & ASSOCIATES PC
31000 NORTHWESTERN HIGHWAY
SUITE 201
FARMINGTON HILLS, MI 48334-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Brian Gerald Maddox
Danetta Lashun Maddox
29600 Franklin Rd., #10
Southfield, MI 48034-0000

_____/s/ Vanessa Wild_____
Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
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